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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PE, GEEPY	

ART UNIT	PAPER NUMBER
2483	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/522,209	NAM ET AL.	
	Examiner	Art Unit	
	Geepy Pe	2483	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 November 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *35-42,44-52,54-62 and 64* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *35-42,44-52,54-62 and 64* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 January 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/22/10 has been entered.

Response to Arguments

2. Applicant's arguments filed 11/22/10, with respect to claims 35-42, 44-52, 54-62, and 64 have been fully considered but they are not persuasive.

3. Claims 35-42, 44-52, 54-62, and 64 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia (US Pat. 5,510,832; already of record), in view of Margulis et al. (US Pat. 6,157,396).

4. The Applicant(s) present(s) one (1) substantive argument(s) contending the Examiner's rejection(s) of claim(s) 35-42, 44-52, 54-62, and 64 under 35 U.S.C. 103(a) as being unpatentable over Garcia, in view of Margulis, as was set forth in the Office Action of 6/22/10. However, after carefully reviewing the argument(s) presented and further scrutiny of the applied reference(s), the Examiner must respectfully disagree and maintain the grounds of rejections for the reasons that follow.

The Applicants argue that Garcia and Margulis lack the limitation from previous claim 43, now incorporated into claim 35, and the corresponding analogous claims. That is "...the conversion is not based on the capabilities of the user terminal..." (Remarks of 11/22/10: pg. 8, lines 10-20). The Examiner respectfully disagrees. As described in col. 6, lines 39-64, the capability of a computer can be continuously upgraded, and in this case, the user terminal's ability to decode and render video data. In combination with Margulis, gathering user information and usage environment, the user terminal would be able to only decode and render certain pieces of data until there is a need for an upgrade, in which the user terminal would be able to decode and render more, or less if the terminal were specialized. In which case, there would be information on which pieces of data can be decoded or rendered, or the capability of the user terminal.

Accordingly, the applicability of Garcia and Margulis are maintained. A detailed rejection follows below.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 35-42, 44, 55-62, and 64 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, and based upon consideration of all of the relevant factors with respect to the claim as a whole, claim(s) 35-42 and 44 are held to claim an abstract idea, and is/are therefore rejected as ineligible subject matter under 35 U.S.C. 101.

Dependent claim(s) 36-42 and 44, when analyzed as a whole are held to be patent ineligible under 35 U.S.C. 101 because the additional recited limitation(s) fail(s) to establish that the claim(s) is/are not directed to an abstract idea, as detailed below:

Claim(s) 35-42 and 44 is/are rejected under 35 U.S.C. 101 as not falling within one of four statutory categories of inventions. Supreme Court precedent and recent Federal Circuit decisions indicate a statutory "process" under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. While the instant claim(s) recite a series of steps or acts to be performed, the claim(s) neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process. For example there is no apparatus mentioned either in the preamble nor in the subsequent limitations for executing the method, In re Bilski, 88 USPQ2d 1385 (Fed. Cir. 2008).

Also, it is suggested that for claims 55-62 and 64, to amend the preamble from "...a computer readable storage medium..." to "...a non-transitory computer readable storage medium..." to comply with current 101 practices.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 35-42, 44-52, 54-62, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garcia, in view of Margulis.

Re. **claim 35**, Garcia teaches a stereoscopic adaptation method (Garcia: Title) comprising the steps of: receiving video data (Garcia: Figs. 1-3); stereoscopically adapting video data source according to user preference information and capability information of a user terminal included in the usage environment information, wherein the capability information of the user terminal includes decoding capability and rendering method of the user terminal (Garcia: col. 7, lines 35-66; col. 6, lines 39-64); and outputting the adapted video data source (Garcia: col. 4, lines 38-39; Fig. 1). Yet, Garcia does not explicitly teach collecting user

preference information from a user, or stereoscopically adapting video data source according to user preference information and capability information of a user terminal included in the usage environment information. However, in the same field of endeavor, Margulis teaches using key meta data information (Margulis: col. 10, lines 57-59) to allow user preferences and user environment (Margulis: col. 11, lines 5-8) to be satisfied, as well as automatic calibration (Margulis: col. 14, lines 6-30) for the benefit of improving quality of image frames and using special system functions (Margulis: Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the steps of collecting user preference information from a user and stereoscopically adapting the video data automatically from two-dimensional video to three-dimensional video in a video data source according to the user preference information included in a usage environment information in the Garcia invention, as shown in Margulis, for the benefit of improving quality of image frames and using special system functions. The Garcia invention, now incorporating the Margulis invention, has all the limitations of claim 35.

Re. **claim 36**, Garcia, now incorporating Margulis, teaches that the video data source includes contents metadata for describing video contents and information of the video contents (Garcia: col. 5, lines 34-37: i.e., section (b) would include metadata that describes the video contents and information).

Re. **claim 37**, Garcia, now incorporating Margulis, teaches that the stereoscopic adaptation is converting two-dimensional video into three- dimensional stereoscopic video and the user preference information includes preferred parallax information (Garcia: col. 3, lines 40-44).

Re. **claim 38**, Garcia, now incorporating Margulis, teaches that the stereoscopic adaptation is converting two-dimensional video into three-dimensional stereoscopic video and the user preference information includes preferred information about maximum number of delayed frame (Garcia: col. 12, lines 13-15).

Re. **claim 39**, Garcia, now incorporating Margulis, teaches that the stereoscopic adaptation is converting two-dimensional video into three- dimensional stereoscopic video and the user preference information includes preferred information about three-dimensional depth range (Garcia: col. 3, lines 30-44).

Re. **claim 40**, Garcia, now incorporating Margulis, teaches that the depth range is a distance between a monitor screen and an object in three- dimensional video (Garcia: col. 1, lines 36-44).

Re. **claim 41**, Garcia, now incorporating Margulis, teaches that the stereoscopic adaptation is converting three-dimensional stereoscopic video into two-dimensional video and the user preference information includes preferred video information between left video and fight video of the three-dimensional stereoscopic video (Garcia: col. 1, lines 45-50).

Re. **claim 42**, Garcia, now incorporating Margulis, teaches that the usage environment information includes capability information of a user terminal describing whether or not the user terminal is three-dimensional stereoscopic (Garcia: col. 6, lines 33-38).

Re. **claim 44**, Garcia, now incorporating Margulis, does not teach that the rendering method is classified into classification group including interlaced, sync-double, page-flipping, red-blue anaglyph, red-cyan anaglyph, or red- yellow anaglyph method (Garcia: col. 11, lines 16-36: i.e., sync-double or "line-doubling" as referred to within Garcia).

Re. **claims 45 and 55**, the claim(s) recites analogous limitations to claim(s) 35 above, and is/are therefore rejected on the same premise. With regards to the "means for" stipulation, on Figs. 1 and 2, an adaptation means and an outputting means are shown.

Re. **claims 46 and 56**, the claim(s) recites analogous limitations to claim(s) 36 above, and is/are therefore rejected on the same premise.

Re. **claims 47 and 57**, the claim(s) recites analogous limitations to claim(s) 37 above, and is/are therefore rejected on the same premise.

Re. **claims 48 and 58**, the claim(s) recites analogous limitations to claim(s) 38 above, and is/are therefore rejected on the same premise.

Re. **claims 49 and 59**, the claim(s) recites analogous limitations to claim(s) 39 above, and is/are therefore rejected on the same premise.

Re. **claims 50 and 60**, the claim(s) recites analogous limitations to claim(s) 40 above, and is/are therefore rejected on the same premise.

Re. **claims 51 and 61**, the claim(s) recites analogous limitations to claim(s) 41 above, and is/are therefore rejected on the same premise.

Re. **claims 52 and 62**, the claim(s) recites analogous limitations to claim(s) 42 above, and is/are therefore rejected on the same premise.

Re. **claims 54 and 64**, the claim(s) recites analogous limitations to claim(s) 44 above, and is/are therefore rejected on the same premise.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geepy Pe whose telephone number is (571)-270-3703. The examiner can normally be reached on Monday - Friday, 7:00AM - 3:30PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Ustaris can be reached on 571-272-7383. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geepy Pe/
Examiner, Art Unit 2483

/Joseph G Ustaris/
Supervisory Patent Examiner, Art Unit 2483